

**STATE COASTAL CONSERVANCY
PUBLIC MEETING MINUTES
September 29, 2016**

MEMBERS PRESENT:

Douglas Bosco (Public Member), Chairman
Sara Ramirez Giroux (Public Member)
Ann Notthoff (Public Member)
Bryan Cash (Designated, Natural Resources)
Steve Kinsey (Chair, Coastal Commission)
Karen Finn (Designated, Department of Finance)

OVERSIGHT MEMBERS PRESENT:

No Oversight members attended

OTHERS PRESENT:

Sam Schuchat, Executive Officer
Amy Roach, Chief Counsel

LOCATION:

Wharfinger Building – Great Room
#1 Marina Way
Eureka, Ca

1. ROLL CALL

Douglas Bosco (Public Member), Chairman
Sara Ramirez Giroux (Public Member)
Ann Notthoff (Public Member)
Bryan Cash (Designated, Natural Resources)
Steve Kinsey, (Chair, Coastal Commission)
Karen Finn (Designated, Department of Finance)

- 2. APPROVAL OF THE MINUTES** of the May 26, 2016 public meeting. Moved and seconded. Approved unanimously.

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3. CONSENT ITEMS

Chair Bosco asked the board if any consent items needed to be removed. The consent calendar was moved, seconded, and approved unanimously.

A. EXPLORE THE COAST WEB APP

Resolution:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby augments its July 16, 2014 authorization by authorizing disbursement of up to an additional thirty-five thousand dollars (\$35,000) for information technology services for the “Explore the Coast” mobile-optimized website (web app) for the State of California. Prior to the disbursement of these additional funds, the Executive Officer of the Conservancy shall approve the work program, budget, schedule, and contractor for the additional work.”

Findings:

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project remains consistent with Chapter 9 of Division 21 of the Public Resources Code, regarding the implementation of a system of public accessways to and along the state’s coastline.
2. The proposed project remains consistent with the current Conservancy Project Selection Criteria and Guidelines.”

B. FEDERAL GOVERNMENTAL LIAISON

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one hundred ninety thousand dollars (\$190,000) to provide consulting services to assist with State Coastal Conservancy projects that receive federal funding and provide other consulting services. Assistance with the projects will include advocacy during federal appropriations and authorization processes, advice on federal funding opportunities and constraints, and coordination with federal project partners.”

Findings:

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“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with Public Resources Code Sections 31103 and 31104, regarding the Conservancy’s ability to apply for and accept federal grants and receive other financial support from public sources and carry out the purposes of Division 21. Projects supported by funding received as a result of this authorization are or would be consistent with the purposes and objectives of Chapters 4.5, 5.5, and 6 of Division 21 of the Public Resources Code, regarding the protection and enhancement of natural resources in San Francisco Bay Area, marine, and coastal environments.”

C. PETALUMA RIVER TURNING BASIN

Resolution:

“The State Coastal Conservancy hereby authorizes the Association of Bay Area Governments (“ABAG”) to disburse up to \$180,000 (one hundred eighty thousand dollars) of previously granted Conservancy funds to the Petaluma Small Craft Center (“PSCC”) for construction of improvements to facilities that will benefit users of non-motorized boats at the Petaluma River Turning Basin in the City of Petaluma, Sonoma County, subject to the following conditions:

1. Prior to the disbursement of funds, ABAG shall submit for the review and approval of the Executive Officer of the Conservancy a final work program, schedule and budget, and a grant agreement between ABAG and PSCC.
2. ABAG shall ensure installation of signs acknowledging the Conservancy and displaying the Conservancy logo in a manner approved by the Executive Officer.
3. In carrying out the project, ABAG shall ensure compliance by PSCC with all project actions and components that are needed to reduce or avoid significant environmental effects of the boating facility improvements as identified in the mitigated negative declaration and in the associated Mitigation and Monitoring and Reporting Program adopted by the City of Petaluma pursuant to the California Environmental Quality Act (“CEQA”) and accompanying the project staff recommendation as Exhibit 2.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

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1. The proposed authorization is consistent with Chapter 4.5 of Division 21 of the Public Resources Code, regarding San Francisco Bay.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The Project Management Team of the San Francisco Bay Area Water Trail designated the Petaluma River Turning Basin as a Water Trail site on December 9, 2015.
4. The Petaluma Small Craft Center is a nonprofit organization existing under section 501(c)(3) of the U.S. Internal Revenue Code and whose purposes are consistent with Division 21 of the Public Resources Code.
5. The Conservancy has independently reviewed and considered the mitigated negative declaration for the proposed project adopted by the City of Petaluma on September 14, 2015, pursuant to CEQA and finds no substantial evidence that the proposed project will have a significant effect on the environment.”

D. OCEAN CONNECTORS: BIRD AND HABITAT PROJECT

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed twenty thousand dollars (\$20,000) to The Ocean Foundation (“Foundation”) for the Ocean Connectors Program project to undertake educational habitat restoration activities within the San Diego Bay National Wildlife Refuge located in the City of San Diego. Prior to the disbursement of funds, the Foundation shall submit for review and written approval of the Conservancy’s Executive Officer a work program, including budget and schedule, and any contractors to be employed for these tasks.”

Findings:

Staff further recommends that the Conservancy adopt the following findings:
“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 6 of Division 21 of the Public Resources Code, regarding coastal resource enhancement.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The Ocean Foundation is a nonprofit organization existing under section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”

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E. KASHIA COASTAL RESERVE & STEWARTS POINT RANCH

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed \$160,000 (one hundred sixty thousand dollars) to Sonoma County Regional Parks Department (“SCRPD”) to prepare a public access plan and trail designs, permit applications and environmental documents for development of two segments of the California Coastal Trail on the Kashia Coastal Reserve and Stewarts Point Ranch on the Sonoma Coast, subject to the following conditions:

1. Prior to the disbursement of funds, the SCRPD shall submit for the review and approval of the Executive Officer of the Conservancy:
 - a. A work program, including budget and schedule, and the names and qualifications of any contractors it intends to retain for the project.
 - b. Evidence that Sonoma County has acquired a trail easement over the Stewarts Point Ranch.
2. To the extent appropriate, the SCRPD shall ensure that the final designs of the project are consistent with the Conservancy’s ‘Standards and Recommendations for Accessway Location and Development’.

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 9 sections 31400 *et seq.* of Division 21 of the Public Resources Code, regarding public access to and along the coast.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The project serves greater than local needs.”

F. JOINT SAN FRANCISCO BAY TRAIL/BAY RIDGE TRAIL

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to one hundred twenty-five thousand dollars (\$125,000) to the City of Vallejo (City) for project planning including the environmental review, landowner agreements, permit applications, and design for a 1.5-mile segment of the combined San Francisco Bay Trail/Bay Area Ridge Trail along the Carquinez Straits in the County of Solano. Prior to the disbursement of funds, the City shall submit for the review and approval of the Executive Officer of the Conservancy a work program including budget and schedule and the names of any contractors and/or subcontractors to be employed on the project.”

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Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 4.5 of Division 21 of the Public Resources Code, regarding public access improvements to and around San Francisco Bay.”

G. SAN FRANCISCO BAY AREA CONSERVANCY PROGRAM

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to two hundred seventy five thousand dollars (\$275,000) to the Bay Area Open Space Council (Council) to further the natural resource and recreational goals of the San Francisco Bay Area Conservancy Program by 1) updating the Conservation Lands Network (CLN) database by collecting new data, updating the user interface, providing training and education, and creating digital and print informational materials; and 2) expanding existing digital media for promoting understanding of the value of regional open space. Prior to the commencement of work and the disbursement of funds, the Council shall submit for the review and written approval of the Executive Officer of the Conservancy a detailed work program, schedule and budget and the names and qualifications of any contractors to be employed in carrying out the project.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 4.5 of Division 21 of the Public Resources Code, regarding the Conservancy’s mandate to address the resource and recreational goals of the San Francisco Bay area.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The Bay Area Open Space Council is a nonprofit organization existing under section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”

H. INDIAN CREEK HABITAT

Resolution:

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“The State Coastal Conservancy hereby authorizes the disbursement of up to one hundred eighty-seven thousand dollars (\$187,000) to the Yurok Tribe to prepare final designs and implement the Indian Creek Habitat Connectivity and Restoration Project to restore salmonid habitat in Indian Creek, a tributary to the Trinity River, subject to the following conditions:

1. Prior to the disbursement of funds, the Council shall submit for review and approval by the Executive Officer of the Conservancy:
 - a. A work program including a schedule and budget for the project.
 - b. All contractors to be retained for the project.
 - c. Documentation that all funding required for the project has been secured.
2. Prior to the commencement of construction of the project the Yurok Tribe shall submit for review and approval by the Executive Officer:
 - a. Evidence that all necessary permits and approvals have been obtained.
 - b. Landowner agreements allowing for construction, monitoring and maintenance of the project.

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 6 of Division 21 of the Public Resources Code, regarding Coastal Resource Enhancement Projects.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.”

I. SMITH RIVER ESTUARY

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to one hundred thirty-four thousand one hundred and twenty three dollars (\$134,123) to the Smith River Alliance to prepare the Smith River Estuary Restoration Plan. Smith River Alliance will work with stakeholders and local landowners to identify and prioritize potential restoration projects and develop plans for at least two restoration projects near the estuary of the Smith River in Del Norte County. This authorization is subject to the condition that prior to the disbursement of funds, Smith River Alliance shall submit for review and approval by the executive officer of the Conservancy a work program for the project, including a schedule and budget, and any contractors to be retained for the project.”

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Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 6 of Division 21 of the Public Resources Code, regarding coastal resource enhancement projects.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. Smith River Alliance is a nonprofit organization existing under section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”

J. NEEFUS GULCH

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to forty-nine thousand four hundred dollars (\$49,400) to Trout Unlimited to prepare designs and permit application materials to remediate two barriers to fish passage on Neefus Gulch, Mendocino County, subject to the following terms and conditions:

1. Prior to the disbursement of funds, the RCD shall submit for review and approval by the Executive Officer of the Conservancy:
 - a. A work program, schedule and budget for the project.
 - b. All contractors to be employed for the project.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 6 of Division 21 of the Public Resources Code, regarding the enhancement of coastal resources.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. Trout Unlimited is a nonprofit organization existing under section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”

K. SCOTT RIVER

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Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to ninety-three thousand five hundred fifty-nine dollars (\$93,559) to California Trout for the implementation of the Scott River Instream Habitat Restoration Project, subject to the following conditions:

1. Prior to the disbursement of funds, the Council shall submit for review and approval by the Executive Officer of the Conservancy:
 - a. A work program including a schedule and budget for the project.
 - b. All contractors to be retained for the project.
 - c. Documentation that all funding required for the project has been secured.
2. Prior to the commencement of construction of the project:
3. California Trout shall submit for review and approval by the Executive Officer documentation that all necessary permits, landowner access agreements, and approvals have been obtained.

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 6 of Division 21 of the Public Resources Code, regarding resource enhancement.
3. The California Trout is a nonprofit organization existing under section 501(c)(3) of the Internal Revenue Service, and whose purposes are consistent with Division 21 of the Public Resources Code.”

L. SHARBER-PECKHAM CREEK

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to sixty-eight thousand five hundred and forty-five dollars (\$68,545) to the Northwest California Resource Conservation and Development Council (“Council”) to implement a fish passage barrier removal and water quality improvement project on the Sharber-Peckham Creek (“Project”), subject to the following conditions:

1. Prior to the disbursement of Conservancy funds, the Council shall submit for review and approval by the Executive Officer of the Conservancy:

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- a. A work program, including a schedule and budget.
 - b. The names of all contractors to be retained.
2. In carrying out the project, the Council shall comply with all applicable conditions and mitigation measures for the project that are identified in the 2015 Fisheries Restoration Grant Program Mitigated Negative Declaration, as adopted by the California Department of Fish and Wildlife on February 17, 2015, attached to the accompanying staff recommendation as Exhibit 3, and any conditions, mitigation or other measures required by any permit or approval for the project.
 3. Prior to commencing the project, the Council shall record an agreement with the Conservancy and the landowner pursuant to Public Resources Code section 31116(c) sufficient to protect the public interest in the project.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with the current Project Selection Criteria and Guidelines.
2. The proposed authorization is consistent with the purposes and objectives of Chapter 6 of Division 21 of the Public Resources Code, regarding resource enhancement.
3. The Conservancy has independently reviewed and considered the 2015 Fisheries Restoration Grant Program Mitigated Negative Declaration, as adopted on February 17, 2015 by the California Department of Fish and Wildlife pursuant to the California Environmental Quality Act, which is attached to the accompanying staff recommendation as Exhibit 3 and which adequately describes the proposed project, and finds that there is no substantial evidence that the proposed project as mitigated will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.
4. The Northwest California Resource Conservation & Development Council is a nonprofit organization existing under section 501(c)(3) of the Internal Revenue Service, and whose purposes are consistent with Division 21 of the Public Resources Code.”

M. SAN JOSE CREEK

Resolution:

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“The State Coastal Conservancy hereby authorizes disbursement of up to thirty-three thousand six hundred forty-five dollars (\$33,645) to the Cachuma Resource Conservation District (CRCD) to conduct biological surveys, and prepare information needed for permit applications and environmental review for removal of three fish passage barriers at the Dos Arroyos Ranch along San Jose Creek to improve passage for migrating steelhead, as shown on Exhibit 1 to the accompanying staff recommendation. Prior to the disbursement of Conservancy funds, the CRCD shall submit for review and approval of the Conservancy’s Executive Officer a work program, budget, schedule and any contractors to be employed for the project and evidence that the grantee can provide all the funds needed to complete the plans.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 5.5 of Division 21 of the Public Resources Code, regarding integrated coastal and marine resource protection.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The proposed project is consistent with applicable local watershed management plans and water quality control plans.

N. UPPER DEVEREUX SLOUGH

Resolution:

“The State Coastal Conservancy hereby augments its May 26, 2016 authorization by authorizing disbursement of up to an additional one million fifty-three thousand one hundred twenty-six dollars (\$1,053,126) to the Regents of the University of California, Santa Barbara campus (“UCSB”) to undertake restoration of wetlands and connected uplands in Devereux Slough, subject to the same conditions imposed by the Conservancy authorization of May 26, 2016.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization remains consistent with Chapter 6 of Division 21 of the Public Resources Code, regarding enhancement of coastal resources.
2. The proposed project remains consistent with the current Conservancy Project Selection Criteria and Guidelines.”

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O. LOS PENASQUITOS LAGOON

Resolution:

“The State Coastal Conservancy hereby authorizes the disbursement of up to one hundred eighty three thousand three hundred and twenty dollars (\$183,320) to the Los Peñasquitos Lagoon Foundation to complete an environmental review of the draft Los Peñasquitos Lagoon Enhancement Plan and to develop a feasibility and restoration design study for a habitat restoration and water quality improvement project at Los Peñasquitos Lagoon. Prior to the disbursement of funds, the Los Peñasquitos Lagoon Foundation shall submit for the review and written approval of the Conservancy’s Executive Officer a work program, including budget and schedule, and any contractors to be employed under the grant.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Section 31111 of the Public Resources Code regarding grants to undertake plans and feasibility studies, and with Chapter 6 of Division 21 of the Public Resources Code (Sections 31251 – 31270) regarding enhancement of coastal resources.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The Los Peñasquitos Lagoon Foundation is a nonprofit organization formed under section 501(c)(3) of the U.S. Internal Revenue Code, and its purposes are consistent with Division 21 of the Public Resources Code.”

Moved and seconded. Consent items were approved unanimously by a vote of 6-0.

4. EXECUTIVE OFFICER REPORT

- A. Mary Small, Chief Deputy Executive Officer, gave the Conservancy Financial Report update (memo to board attached to these minutes)
- B. Mary Small presented the update of Proposition 1 Grant Guidelines

Resolution:

“The State Coastal Conservancy hereby adopts revisions to the State Coastal Conservancy Proposition 1 Grant Program Guidelines as shown in the accompanying staff recommendation, pursuant to Water Code Section 79706(a).”

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Findings:

“Based on the accompanying staff recommendation and its attached exhibits, the Conservancy hereby finds that:

1. The Proposition 1 Grant Program Guidelines as revised as shown in Exhibit 1 to the accompanying staff report are consistent with Conservancy’s statutory responsibilities under Division 21 of the California Public Resources Code.
2. The Proposition 1 Grant Program Guidelines as revised as shown in Exhibit 1 to the accompanying staff report are consistent with Division 26.7 of the California Water Code.”

Moved and seconded. Approved unanimously

- C. Karyn Gear, North Coast Regional Manager gave an update on Tribal Consultation.
- D. Moved and seconded. The adoption of the 2017 Conservancy meeting schedule was approved by a vote of 6-0 (meeting schedule attached to these minutes).
- E. Sam Schuchat, Executive Officer, read the Resolution Honoring Carmen Estrada-Polley. Moved and seconded and approved by a vote of 6-0.

STATEWIDE

- 5. Consideration and possible Conservancy authorization to disburse up to \$400,000 to the California Coastal Commission to **fund statewide enforcement of the Coast Act.**

This item was pulled from the agenda.

NORTH COAST

6. STEWARTS POINT RANCH CONSERVATION AND TRAIL EASEMENT ACQUISITION

Lisa Ames of the Coastal Conservancy presented the Staff Recommendation

Resolutions:

“The State Coastal Conservancy hereby authorizes disbursement of an amount not to exceed one million dollars (\$1,000,000) to Sonoma County Agriculture Preservation and Open Space District (SCAPOS) to acquire property interests including a conservation easement and a

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public trail easement (“property interests”) over the approximately 873-acre Stewarts Point Ranch, Sonoma County Assessor Parcel Numbers 122-250-006, 122-240-002, 122-270-001, and 122-230-007 as shown on Exhibit 1 to the accompanying staff recommendation, in coastal Sonoma County.

This authorization is subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for acquisition of the property interests, SCAPOSD shall submit for review and approval of the Executive Officer of the Conservancy (the “Executive Officer”):
 - a. all relevant acquisition documents, including, without limitation, appraisals, environmental assessments, title reports, purchase agreements, conservation easement, public trail easement, recreational covenants, cultural access easement, escrow instructions and documents of title;
 - b. a baseline conditions and monitoring report; and
 - c. documentation that all other funds necessary to the acquisition have been obtained.
2. SCAPOSD shall pay no more than fair market value for the property interests as established in an appraisal approved by the Executive Officer.
3. The property interests acquired under this authorization shall be managed and operated in a manner consistent with the purposes of natural resource protection, forest stewardship, public access, open space preservation and agricultural use.
4. Conservancy funding shall be acknowledged by erecting and maintaining on the property a sign, the design and placement of which has been reviewed and approved by the Executive Officer.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Public Resources Code Section 31051; Chapter 8, Sections 31350-31356 regarding reservation of significant coastal resource areas; and Chapter 9, Sections 31400 *et seq*, regarding public access. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
2. The project serves greater than local needs.”

Moved and seconded. Approved unanimously.

7. ARCATA RAIL WITH TRAIL CONNECTIVITY: HUMBOLDT BAY TRAIL NORTH CONSTRUCTION

Su Corbaley of the Coastal Conservancy presented the Staff Recommendation.

Resolutions:

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“The State Coastal Conservancy hereby (1) authorizes disbursement of an amount not to exceed five hundred fifty thousand dollars (\$550,000) to the City of Arcata to construct a 3-mile section of the California Coastal Trail and Humboldt Bay Trail from Arcata to Brainard Slough on Humboldt Bay (the project); and (2) adopts a Mitigation Monitoring and Reporting Program for the project, attached to the accompanying staff recommendation as Exhibit 7. This authorization is subject to the following conditions:

1. Prior to the disbursement of funds, the City of Arcata shall submit for review and approval by the Conservancy’s Executive Officer a work program including a schedule and budget, the names and qualifications of all contractors to be retained for the project, and evidence that all permits and approvals necessary for the project have been obtained.
2. Conservancy funding shall be acknowledged by erecting and maintaining a sign at the project site that has been reviewed and approved by the Conservancy’s Executive Officer.

The City shall implement the Arcata Rail with Trail Connectivity Project: Humboldt Bay Trail North Construction Mitigation Monitoring and Reporting Program.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 9 of Division 21 of the Public Resources Code, regarding public access.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The proposed project will serve greater than local needs.
4. Pursuant to its responsibilities under the California Environmental Quality Act, the Conservancy, as a responsible agency, has independently reviewed the Arcata Rail with Trail Connectivity Project’s Mitigated Negative Declaration approved by the City of Arcata on May 13, 2013, and its August 2016 Addendum, both attached to the accompanying staff recommendation as Exhibit 6. The Conservancy finds that the project as mitigated avoids, reduces, or mitigates the potential significant environmental effects to a level of insignificance, and there is no substantial evidence in the record that the project will have a significant effect on the environment, as defined in 14 California Code of Regulations Section 15382.”

Moved and seconded. Approved unanimously.

8. RUSSIAN RIVER FLOODPLAIN RESTORATION: HANSON WINDSOR PONDS ENVIRONMENTAL REVIEW AND DESIGN

Michael Bowen of the Coastal Conservancy presented the Staff Recommendation.

Resolutions:

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“The State Coastal Conservancy hereby authorizes the disbursement of up to three hundred forty-five thousand dollars (\$345,000) to the Endangered Habitats Conservancy (“EHC”) to develop a reclamation plan and engineering designs, and associated environmental documentation and permit applications for a floodplain restoration project at the Hanson Aggregates property on the Russian River near Windsor, subject to the following conditions:

1. Prior to the Conservancy’s disbursement of funds, EHC shall provide for the approval of the Executive Officer of the Coastal Conservancy (“Executive Officer”): a) a work program, schedule and budget for the project; b) evidence that all needed matching funds have been received; c) the names and qualifications of contractors that will work on the project; and d) written site-access permission from the property owner.
2. EHC shall use its best efforts to ensure that the proposed floodplain restoration plan developed through this authorization is subsequently approved as the new reclamation plan for the Hanson Aggregates property under the Surface Mining and Reclamation Act, California Public Resources Code Section 2710 et seq.
3. If EHC’s floodplain restoration plan is approved by the County of Sonoma and found by the County to be fully consistent with the Surface Mining and Reclamation Act (SMARA) requirements associated with closure of the site to mining activities, EHC shall exercise its existing option with the landowner, Hanson Aggregates, to acquire the fee interest in the Hanson Aggregates property, and shall subsequently work with the Conservancy to ensure that the ecological and recreational values of the property will be permanently protected.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on November 10, 2011.
2. The proposed authorization is consistent with Sections 31111 and 31251-31270 (Chapter 6 of Division 21) of the Public Resources Code, regarding plans and feasibility studies and coastal resource enhancement.
3. The Endangered Habitats Conservancy is a nonprofit organization existing under section 501(c)(3) of the Internal Revenue Service, and whose purposes are consistent with Division 21 of the Public Resources Code.”

Moved and seconded. Approved unanimously.

SAN FRANCISCO BAY

9. MONTESOL RANCH WATERSHED PROTECTION ACQUISITION

Matt Gerhart of the Coastal Conservancy presented the Staff Recommendation.

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Resolutions:

“The State Coastal Conservancy hereby authorizes disbursement of up to one million seven hundred thousand dollars (\$1,700,000) to The Trust for Public Land (TPL) to acquire a conservation easement to be held by the Land Trust of Napa County (LTNC) over the 7,286-acre property known as Montesol Ranch (Assessor Parcel Numbers listed in Exhibit 1) (“property”), as shown in Exhibits 1 and 2 to the accompanying staff recommendation. This authorization is subject to the following conditions:

1. Prior to disbursement of any funds for acquisition of the property, TPL shall submit for the review and approval of the Executive Officer of the Conservancy (Executive Officer): a) all relevant acquisition documents, including the appraisal, agreement of purchase and sale, escrow instructions, deeds, and documents of title, b) a baseline conditions report, c) a monitoring and reporting plan, and c) documentation that all other funds necessary for the acquisition have been obtained.
2. TPL shall not pay more than fair market value for the property rights acquired pursuant to this authorization, as established in an appraisal approved by the Executive Officer.
3. Conservancy funding shall not exceed the fair market value of the portion of the property located in Napa County.
4. The easement interests acquired under this authorization shall be managed and operated for the purposes of protecting open space, preserving and enhancing wildlife habitat and water quality, and facilitating resource-compatible public use. The property interests acquired under this authorization shall be permanently dedicated to those purposes in accordance with Public Resources Code Section 31116(b).
5. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property or in a nearby publicly-viewable area, the design and location of which are to be approved by the Executive Officer.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 4.5 of Division 21 of the Public Resources Code (Sections 31160 *et seq.*), regarding the Conservancy’s mandate to address the resource and recreational goals of the San Francisco Bay Area.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. TPL and LTNC are nonprofit organizations existing under section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”

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Moved and seconded. Approved unanimously.

10. JOINT POWERS AGREEMENT WITH SAN FRANCISCO BAY RESTORATION AUTHORITY AND ASSOCIATION OF BAY AREA GOVERNMENTS

Amy Hutzel of the Coastal Conservancy presented the Staff Recommendation.

Resolutions:

“The State Coastal Conservancy hereby authorizes entry into a joint powers agreement with the San Francisco Bay Restoration Authority and the Association of Bay Area Governments consistent with the terms set forth in Exhibit 1: Joint Powers Agreement, Proposed Recitals & Terms. The Coastal Conservancy has been fully informed in writing about its attorneys’ responsibilities in avoiding the representation of adverse interests without the consent of their clients, understands the potential for adverse legal interests and practical interests as described, and consents to the potential conflicts of interest raised by Conservancy staff attorneys providing legal advice to the Authority pursuant to the joint powers agreement. The Coastal Conservancy also delegates to the Executive Officer the authority to waive future attorney conflicts of interest in connection with the provision of legal services to the San Francisco Bay Restoration Authority pursuant to the joint powers agreement.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 4.5 of Division 21 of the Public Resources Code, regarding San Francisco Bay Area Conservancy Program.”

Moved and seconded. Approved unanimously.

SOUTH COAST

11. ORMOND BEACH ACQUISITION – SOUTHLAND SOD FARM

Christopher Kroll of the Coastal Conservancy presented the Staff Recommendation.

Resolutions:

“The State Coastal Conservancy (Conservancy) hereby authorizes disbursement of an amount not to exceed five million dollars (\$5,000,000) to The Nature Conservancy (TNC) to acquire the approximately 561-acre property commonly known as the Southland Sod Farm (consisting of Ventura Count Parcel Nos. 231-0-020-270; 231-0-020-300; 231-0-020-280; 231-0-020-290; 231-0-020-315; 231-0-040-415; 231-0-040-405; 231-0-040-420; 231-0-040-135), as

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shown in Exhibit 2 to the accompanying staff recommendation. This authorization is subject to the following conditions:

1. Prior to the disbursement of funds for the acquisition, TNC shall submit for the review and approval of the Executive Officer of the Conservancy (Executive Officer) all relevant acquisition documents for the acquisition including, without limitation, the appraisals, purchase agreement, title encumbrances, escrow instructions, environmental or hazardous material assessment and title report.
2. TNC shall pay no more than fair market value for the property, based on an appraisal of the property approved by the Conservancy.
3. TNC shall permanently dedicate the property for flood protection, wildlife habitat, wetland restoration, open space protection, public access and limited agricultural uses through an irrevocable offer to dedicate the property or other instrument approved by the Executive Officer.
4. Conservancy funding shall be acknowledged by erecting and maintaining a sign on the property or in a nearby public staging area, the design and location of which is to be approved by the Executive Officer.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 6 of Division 21 of the Public Resources Code, regarding enhancement of coastal resources.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. The Nature Conservancy is a nonprofit organization formed under section 501(c)(3) of the U.S. Internal Revenue Code, and its purposes are consistent with Division 21 of the Public Resources Code.”

Moved and seconded. Approved unanimously.

12. HARVEY DIVERSION FISH PASSAGE RESTORATION PROJECT

Christopher Kroll of the Coastal Conservancy presented the Staff Recommendation.

Resolutions:

“The State Coastal Conservancy hereby authorizes the disbursement of up to one hundred seventy thousand and eight dollars (\$170,008) to California Trout (Cal Trout) for the stabilization and regrading of approximately 900 feet of streambed below the Harvey Diversion dam to restore fish passage, subject to the following conditions:

1. Prior to the disbursement of funds, Cal Trout shall submit for review and approval by the Executive Officer of the Conservancy:

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- a. A work program including a schedule and budget for the project.
 - b. All contractors to be retained for the project.
 - c. Documentation that all funding required for the project has been secured
 - d. Written agreements with the underlying landowners sufficient to enable Cal Trout to implement and maintain the project.
 - e. A plan for installing signs acknowledging Conservancy funding.
2. Prior to the commencement of construction of the project, Cal Trout shall submit for review and approval by the Executive Officer documentation that all necessary permits and approvals have been obtained.

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed authorization is consistent with Chapter 6 of Division 21 of the Public Resources Code, regarding resource enhancement.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. California Trout is a nonprofit organization existing under section 501(c)(3) of the U.S. Internal Revenue Code, and whose purposes are consistent with Division 21 of the Public Resources Code.”

Moved and seconded. Approved unanimously.

13. CARDIFF STATE BEACH LIVING SHORELINE PHASE 2

Christopher Kroll of the Coastal Conservancy presented the Staff Recommendation.

Resolutions:

“The State Coastal Conservancy hereby authorizes the disbursement of up to three hundred twenty-two thousand dollars (\$322,000) to the City of Encinitas (“City”) to plan and design a dune restoration project at Cardiff State Beach. Prior to the disbursement of funds, the City shall submit for the review and written approval of the Conservancy’s Executive Officer a work program, including budget and schedule, and any contractors to be employed for these work program tasks.”

Findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

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1. The proposed authorization is consistent with Chapter 3 of Division 21 of the Public Resources Code regarding funding feasibility studies and plans (Section 31111) and addressing impacts of climate change (Section 31113), and with Chapter 6 of Division 21 of the Public Resources Code (Sections 31251-270) regarding resource enhancement.
2. The proposed project is consistent with the current Conservancy Project Selection Criteria and Guidelines.
3. As a responsible agency, the Conservancy has independently reviewed the Mitigated Negative Declaration (MND) approved by the California Department of Parks and Recreation, attached to the accompanying staff recommendation as Exhibit 4, and finds that the MND identifies potentially significant effects from the proposed project that are avoided, reduced, or lessened to a level that is less than significant. The Conservancy further finds that there is no substantial evidence in the record that the proposed project, as mitigated, will have a significant effect on the environment as defined in 14 California Code of Regulations Section 15382.”

Moved and seconded. Approved unanimously.

14. CLOSED SESSIONS

- A. To confer regarding pending litigation concerning *Bordessa v. Sonoma County Agricultural Preservation and Open Space District*, Sonoma County Superior Court, Case No. SCV-256943. The session will be closed to the public pursuant to Government Code Section 11126(e)(2)(B).
- B. To confer regarding pending litigation or anticipated litigation: *Pappas v State of California*, Santa Barbara County Superior Court, Case No. 1417388; and other pending litigation; and/or to consider the initiation of litigation. Session will be closed to the public pursuant to Government Code Section 11126(e).

15. CONSERVANCY MEMBER COMMENTS

There were no Conservancy member comments.

16. PUBLIC COMMENTS ON NON-AGENDA ITEMS

There were no public Comments.

17. ADJOURNMENT

The meeting was adjourned at 11:45am